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5 UNITED STATES DISTRICT COURT
6 EASTERN DISTRICT OF WASHINGTON

7 DEMAREST R. SCHOEPPNER, an
8 individual,

9 Plaintiff,

10 v.

11 FLAGSTAR BANK, FSB, a Michigan
12 Company; MORTGAGE
13 ELECTRONIC SYSTEMS, INC., a
14 Virginia Company,

15 Defendants.

NO: 4:17-CV-5133-TOR

ORDER OF DISMISSAL WITHOUT
PREJUDICE

16 On January 2, 2018, Plaintiff was ordered to file, within 60 days, an
17 Amended Complaint or voluntarily dismiss the Complaint. Plaintiff is proceeding
18 *pro se* and *in forma pauperis*.

19 Plaintiff was cautioned that his failure to amend or voluntarily dismiss
20 within 60 days would result in the dismissal of this case because his Complaint
failed to state a claim. Although granted the opportunity to do so, Plaintiff has
failed to timely amend or voluntarily dismiss this action.

ORDER OF DISMISSAL WITHOUT PREJUDICE ~ 1

1 Pursuant to 28 U.S.C. § 1915(a)(3), “[a]n appeal may not be taken *in forma*
2 *pauperis* if the trial court certifies in writing that it is not taken in good faith.” The
3 good faith standard is an objective one, and good faith is demonstrated when an
4 individual “seeks appellate review of any issue not frivolous.” *See Coppedge v.*
5 *United States*, 369 U.S. 438, 445 (1962). For purposes of 28 U.S.C. § 1915, an
6 appeal is frivolous if it lacks any arguable basis in law or fact. *Neitzke v. Williams*,
7 490 U.S. 319, 325 (1989).

8 The Court finds that any appeal of this Order would not be taken in good
9 faith and would lack any arguable basis in law or fact. Accordingly, the Court
10 hereby revokes Plaintiff’s *in forma pauperis* status.


11 **ACCORDINGLY, IT IS HEREBY ORDERED:**

- 12 1. Plaintiff’s Complaint is **DISMISSED without prejudice** for failure to
13 state a claim under 28 U.S.C. §1915(e)(2)(B).
14 2. Plaintiff’s *in forma pauperis* status is **REVOKED**.

15 The District Court Executive is directed to enter this Order, enter judgment
16 of dismissal without prejudice, forward a copy to Plaintiff, and **CLOSE** the file.

17 **DATED** March 8, 2018.




THOMAS O. RICE
Chief United States District Judge